

SECOND REGULAR SESSION

HOUSE BILL NO. 2394

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HARRIS.

5790H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 105.450, RSMo, and to enact in lieu thereof two new sections relating to ethics.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 105.450, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 105.450 and 105.453, to read as follows:

105.450. As used in sections 105.450 to 105.496 and sections 105.955 to 105.963, unless the context clearly requires otherwise, the following terms mean:

(1) "Adversary proceeding", any proceeding in which a record of the proceedings may be kept and maintained as a public record at the request of either party by a court reporter, notary public or other person authorized to keep such record by law or by any rule or regulation of the agency conducting the hearing; or from which an appeal may be taken directly or indirectly, or any proceeding from the decision of which any party must be granted, on request, a hearing de novo; or any arbitration proceeding; or a proceeding of a personnel review board of a political subdivision; or an investigative proceeding initiated by an official, department, division, or agency which pertains to matters which, depending on the conclusion of the investigation, could lead to a judicial or administrative proceeding being initiated against the party by the official, department, division or agency;

(2) "Business entity", a corporation, association, firm, partnership, proprietorship, or business entity of any kind or character;

(3) "Business with which a person is associated":

(a) Any sole proprietorship owned by himself or herself, the person's spouse or any dependent child in the person's custody;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 (b) Any partnership or joint venture in which the person or the person's spouse is a
19 partner, other than as a limited partner of a limited partnership, and any corporation or limited
20 partnership in which the person is an officer or director or of which either the person or the
21 person's spouse or dependent child in the person's custody whether singularly or collectively
22 owns in excess of ten percent of the outstanding shares of any class of stock or partnership units;
23 or

24 (c) Any trust in which the person is a trustee or settlor or in which the person or the
25 person's spouse or dependent child whether singularly or collectively is a beneficiary or holder
26 of a reversionary interest of ten percent or more of the corpus of the trust;

27 (4) "Commission", the Missouri ethics commission established in section 105.955;

28 (5) "Confidential information", all information whether transmitted orally or in writing
29 which is of such a nature that it is not, at that time, a matter of public record or public
30 knowledge;

31 (6) "Decision-making public servant", an official, appointee or employee of the offices
32 or entities delineated in paragraphs (a) through (h) of this subdivision who exercises supervisory
33 authority over the negotiation of contracts, or has the legal authority to adopt or vote on the
34 adoption of rules and regulations with the force of law or exercises primary supervisory
35 responsibility over purchasing decisions. The following officials or entities shall be responsible
36 for designating a decision-making public servant:

37 (a) The governing body of the political subdivision with a general operating budget in
38 excess of one million dollars;

39 (b) A department director;

40 (c) A judge vested with judicial power by Article V of the Constitution of the state of
41 Missouri;

42 (d) Any commission empowered by interstate compact;

43 (e) A statewide elected official;

44 (f) The speaker of the house of representatives;

45 (g) The president pro tem of the senate;

46 (h) The president or chancellor of a state institution of higher education;

47 (7) "Dependent child" or "dependent child in the person's custody", all children,
48 stepchildren, foster children and wards under the age of eighteen residing in the person's
49 household and who receive in excess of fifty percent of their support from the person;

50 (8) **"Paid political consultant", a person who is paid or accepts anything of value**
51 **to support or oppose the passage or defeat of a ballot measure or to promote the election**
52 **of any candidate or the interest of an organization or committee, as such term is defined**
53 **in section 130.011, including, but not limited to, planning campaign strategies;**

54 **coordinating campaign staff; organizing meetings and public events to publicize the**
55 **candidate or cause; public opinion polling; providing research on issues or opposition**
56 **background; coordinating, producing, or purchasing print or broadcast media; direct mail**
57 **production; phone solicitation; fundraising; and any other political activities;**

58 **(9)** "Political subdivision" shall include any political subdivision of the state, and any
59 special district or subdistrict;

60 **[(9)] (10)** "Public document", a state tax return or a document or other record maintained
61 for public inspection without limitation on the right of access to it and a document filed in a
62 juvenile court proceeding;

63 **[(10)] (11)** "Substantial interest", ownership by the individual, the individual's spouse,
64 or the individual's dependent children, whether singularly or collectively, directly or indirectly,
65 of ten percent or more of any business entity, or of an interest having a value of ten thousand
66 dollars or more, or the receipt by an individual, the individual's spouse or the individual's
67 dependent children, whether singularly or collectively, of a salary, gratuity, or other
68 compensation or remuneration of five thousand dollars, or more, per year from any individual,
69 partnership, organization, or association within any calendar year;

70 **[(11)] (12)** "Substantial personal or private interest in any measure, bill, order or
71 ordinance", any interest in a measure, bill, order or ordinance which results from a substantial
72 interest in a business entity.

105.453. 1. No member of the general assembly shall accept or receive
2 **compensation of any kind as a paid political consultant until one year after the expiration**
3 **of any term of office for which such member is elected.**

4 **2. No member of the general assembly shall act or serve as a lobbyist, register as**
5 **a lobbyist, or solicit clients to represent as a lobbyist until three years after the expiration**
6 **of any term of office for which such member is elected. Paid, full-time employees of such**
7 **members shall also be barred from acting or serving as a lobbyist, registering as a lobbyist,**
8 **or soliciting clients to represent as a lobbyist until one year after termination of such**
9 **employees' employment.**

10 **3. No member of the general assembly shall be compensated for acting or serving**
11 **as an elected local government official lobbyist or shall solicit clients to represent as such**
12 **a lobbyist while serving a term as a member of the general assembly.**

13 **4. Notwithstanding subsection 2 of this section to the contrary, a member of the**
14 **general assembly may, without compensation, act or serve as a lobbyist for and solicit**
15 **clients to represent as a lobbyist for religious and charitable associations organized under**
16 **chapter 352 immediately upon vacating such member's office as a member of the general**
17 **assembly.**

18 **5. For the purposes of this section, the terms "lobbyist" and "elected local**
19 **government official lobbyist" shall have the same meaning as in section 105.470.**

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